Presented

App. F. IX-4

Previous References

1934-35 (Misc)

New File No. 312-34

Serial Nos. 1

Later References.

Mog & 2 - 35 - 1 - 4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B for October 1935

SUBJECT.

Re Vahivat Mak of Sri Sureswar Swamy Temple at Chittakalli

No 1520 dt 21-5-35

To the M. C.

WD 01965—GPB—15,000—7-7-34

Re Income Received

C 18.]

No. 1264/32-33

Encl 1 file

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

Dated, Bangalore, 30th April *193*

2/4. 1109

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Pers 3192-341

Rajaseva Saktha
B. Rama Rao Esq., I.C.S.,
The *Secretary to the Government of His Highness*
the Maharaja of Mysore,
Revenue *Department.*

2 APR. 1935

SIR,

Adverting to the last para of G.O. No. 106-9/35-7 dated 19-1-1934 on the hereditary valuation of the Sringeri Math at Tirthahalli, I have the honor to forward herewith for information of Government a copy of the order dated 12- -1935 passed by the Deputy Commissioner, Chikka District, in M.R. . 5.10/ -34 dismissing the appeal of Sri. V. Sadagopacharlu Pleader Kadur to the hereditary valuation of the Sringeri Math and a final recommendation will be made in respect of lands to be left with the Mahant under after the expiry of appeal time.

The records are herewith sent for perusal and return.

Submitted for perusal.
17/3/35
Ch: Secy)

111-5-35

I have the honor to be,

SIR,

Your most obedient servant

N. Madhava Rao
Muzrai Commissioner.

Mahant of Sringeri

Submitted to Government

Dy

No 1520 dt 21.5.1935 to the Muzrai Commissioner returning the records received from him with the following

STEPPING SECTION
27 MAY 1935
GENL & REV. SECTT.

21/5

It asked Thurs
& The Gratian taken upon receipt
a Communication from the M.C.

Yes
1/10/35

URT OF THE DEPUTY COMMISSIONER, SHIMOGA DISTRICT.

Dated this the 12th day of February 1935.

Muzrai App.10/33-34.

Appellant.

Mr. H. Madappiah,
S/o Mr. Ramappaiya,
Landholder, residing
in Halasanad Village,
Kundapur Taluk.

Vs.

Respondent.

Mr. K. Venkatakrishniah,
Retired District Education
Officer, residing at
Tirthahalli.

This is an appeal against the order of the Sub Division Officer, Shimoga, dismissing the appellant's petition regarding the management of the Sri Sureswaraswami temple at Tirthahalli and its endowment on the ground of mismanagement of the institution and alienation of its properties by the vahivatdars.

Facts of the Case.

The temple of Sri Sureswaraswami at Tirthahalli is endowed with inam lands to the extent of 31 acres and 13 guntas with a total assessment of R 107-4-0 in three villages viz., Horani, Puklapur and Hulkadu in the same Taluk. This is a minor Muzrai institution with a scale of income and expenditure sanctioned for it in 1921 for R 206/-. While sanctioning the scale it was ordered that the inam lands should be leased out as per rules and the lands unauthorisedly sold should be restored to the temple after due enquiry.

In 1929, the Special Duty Amildar reported that during Mr. Venkatakrishniah's grandfather's time the lands endowed to the temple in Puklapur village for puja were divided equally among the three ~~persons~~ brothers, that later on the heirs of two brothers either sold or leased out their portion of Devadaya lands for long period of 200 and 500 years along with their Government lands to Siravanthe Thimmappian and his ancestors in 1869, 1905, 1916 and 1917 and that Siravanthe Thimmappian also leased out a portion of devadaya land to one Lakshminarayana Bhatta for a period of 100 years in 1916. He therefore recommended that action might be taken under the Religious and Charitable Institutions Regulation to resume the lands and restore them to the institution. He suggested also that in view of the heavy amount spent by the alienees in purchasing and bringing the lands under cultivation the lands might be leased out to them for a period of 30 years.

Only 4 acres and 22 guntas of Devadaya land in Puklapur village and the land in Horani village are in possession of the present vahivatdar, Mr. Venkatakrishniah (Respondent) who is looking after the puja in the temple and as such giving a reserve of R 16/- provided in the scale. The lands of Hulkadu village have been leased out for a period of 5 years from 1930

On the report of the Special Duty Amil

[illegible] enquiry and ordered that as the alienees [illegible] the lands in their possession, they might be resumed and s[illegible] on terms to be fixed with the offers made by the alienees as the [illegible] regularly arranged to be performed by the [illegible] to continue as watandar and the lands in his possession [illegible].

[illegible] during these alienation cases, presen[illegible] -1-1929 praying that the [illegible] land over to the village after securing [illegible] shall be kept for the benefit [illegible] at heavy cost and as they [illegible] from their private funds. The Sub [illegible] -1-[illegible] prayer could not be granted [illegible] the [illegible].

[illegible] against [illegible] dated 3-6-1930 that [illegible] against the appellant, the Sub Divi- [illegible] taking a regarus [illegible] otherwise [illegible] and its lands [illegible].

[illegible] intended to be leased [illegible] years over [illegible] portion of this [illegible] section of the Watandar- [illegible].

[illegible] 1000-/- [illegible] dated 17/1930 [illegible] the size of [illegible] of cash payments [illegible] report on [illegible] to sign out the [illegible] claims of [illegible] institution, the matter [illegible]

[illegible] enquiry and recorded a finding [illegible] watandar itself as a necessary evil, [illegible] away from the [illegible] (watandar) on account of un- [illegible] alienation of the Inam lands it should not be revived in favour

anyone else and that on the other hand appointing Dharmadarsis and selling the lease right of the inam lands and managing the institution according to a scale to be fixed is always safer and better to prevent repetition of mismanagement. He further suggested that the appellant (Mr. Madappian) must be made a Dharmadarsi and Convenor if such a Committee is in future formed after the abolition of the vahivat of the opponent.

A report was thereupon sent to the Muzrai Commissioner stating that it might not be possible to dispossess Mr. Venkatakrishniah without considerable difficulty and that the vahivat might therefore remain with him subject to the supervision of a Committee of Dharmadarsis including an Agent of the appellant.

The Muzrai Commissioner has returned the file stating that the appeal of Mr. Madappiah may be finally disposed of on merits as no formal orders have been passed on the records of enquiry submitted by the Sub Division Officer.

The exhibits filed by the contending parties before the Sub Division Officer are as noted in the accompanying statement.

Order.

Heard Mr. Kamath for the appellant and Mr. Narasimhaiya for the respondent. This is an appeal against the order of the Sub Division Officer, Shimoga, proposing the abolition of the vahivat of Sureswara temple at Tirthahalli, which is now exercised by Mr. Venkatakrishniah. The appellant's contention is that his ancestors founded the temple and endowed it with lands and the management of its affairs vested in them and that the ancestors of the present vahivatdar were merely the temple servants performing the puja for which they received remuneration. Although this position can be conceded, it has not been sufficiently well established by evidence. The respondent has admitted the right of the appellant's ancestors to the vahivatship but has contended that he and his ancestors have come to exercise the vahivat from a long time and his right therefore to continue as such cannot now be disturbed. This contention amounts to this viz., that the vahivatship having been abandoned by the ancestors of the appellant, it cannot now be claimed by him because it is convenient for him to do so. It is however apparent that the present vahivatdar and his immediate ancestors somehow usurped the office and wish now to adhere to it. There is no doubt some evidence of mismanagement but that is not quite sufficient to dispossess the present vahivatdar of the right which has accrued to him to hold office. The appellant does

not reside within the limits of Mysore and is a resident of Coondapur in British India and is thus not in a position to manage either effectively or usefully the affairs of the temple even if the management is made over to him. I do not therefore consider that a good case has been made out to disturb the existing management and I accoruingly dismiss this appeal.

In Open Court.

Sd/- T. V. A. Isvaran,
Deputy Commissioner,
Shimoga District.

"C O P Y"

For Huzrai Commissioner.

Appendix F (—1]

SUBJECT ....

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Section Un3

File No.

Serial No.

Diary No. of letter replied to ....

No. 1520 Encl file

To

The M.C

General and Revenue Secretariat

( )

the *193* .

Sir,

I am directed to return herewith records relating to the Vahivat hak of Sri Sureswara Swami temple at Tirthahalli received with your letter No 1264/32-33 dy 2-4-1933

Have Etc

Date of issue . 21-5-35

Signed by B Muddu Krishnappa

2/6/35

Dy Collr

List of enclosures .. ..

Copied by ....

Examined by ....

WD 0677—G PB—15,000—9-11-33

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 1520 Dated, Bangalore, 21st May 1935.

Home file

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

I am directed to return herewith records relating to the Vahivat hak of Sri Sureswaraswami Temple at Thirthahalli received with your letter No.1964/32-33 dated 2nd April 1935.

I have the honour to be,

Sir,

Your most obedient servant,

for Chief Secretary to Government.